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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,869	06/21/2001	Hong Cai	JP92000142US1 (14657)	6085

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EXAMINER	
JOO, JOSHUA	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/886,869	**Applicant(s)** CAI ET AL.	
	Examiner Joshua Joo	**Art Unit** 2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 13. Other: Applicant's arguments filed 3/9/2006 have been fully considered but they are not persuasive.

Applicant argued that (1) Holt does not teach or suggest specifically retrieving information and generating documents in XML format to produce objects that are compatible with, and retrievable by, a plurality of types of devices; (2) Holt does not teach caching XML elements in a document object model tree according to a cache strategy including at least one of depth, medium, weight, and scale; (3) Agrawal and Tock do not teach the caching strategies described on Page 7 and 8 of Applicant's Remarked filed 3/9/2006; and (4) There is nothing taught or suggested in Holt, Agrawal, or Tock that creates the motivation to combine the references.

Examiner traverses the arguments:

As to point (1), as stated in the previous Final Rejection, Holt taught of retrieving information and generating documents in HTML format to produce objects that may be provided to a device (Col 5, lines 11-20, 54-62; Col 6, lines 29-31, 52-55). However, Holt did not teach of generating documents that are specifically in XML format and providing data to a plurality of types of devices. Agrawal taught of caching XML elements to form XML documents for client requests (Paragraph 0029;0032); and Tock taught of providing data to a plurality of types of devices (Paragraph 0085; Fig. 2B.).

As to point (2), as stated in the previous Final Rejection, Holt did not teach Applicant's argued limitations, and that Agrawal taught of Applicant's argued limitation. Agrawal taught in Paragraph 0029, "the present invention includes the caching of HTTP responses at a different level of granularity... The granularity of caching... is a "Page Block" (hereafter, "block") instead of a full page. The pages from which blocks are cached may be or include any XML document". In Paragraph 0028, "a document , such as an XML or HTML page..., may be intepreted as a collection of blocks. In the Document Object Model... of the page, for example, such blocks refer to different nodes of the DOM tree." Agrawal's "granularity of caching" of blocks, wherein the blocks are Document Object Model of the page, clearly teaches Applicant's argued limitation of "a cache strategy including at least one of depth, medium, weight, and scale."

As to point (3), Applicant's specific description of each caching strategy, such as depth involves caching only elements of low level, scale involves caching elements with different weighted values..., are not in the claims. Therefore, Holt, Aggrawal, and Tock do not have to teach the specifics of each caching strategy described in Applicant's Remarks nor all of the caching strategies as the claim recites, "at least one of depth, medium, weight, and scale." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to point (4), in response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Agrawal with the motivation that Agrawal's teachings would improve the system of Holt III by efficiently servicing requests for content by efficiently accessing and retreiving dynamic content as taught by Agrawal (Paragraph 0013). It is well known to one of ordinary skill in the art that XML only deals with content, and not the presentation. Therefore, XML data would require less bandwidth for transmission.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III, Agrawal, and Tock with the motivation that the teachings of Tock would improve the system of Holt III and Agrawal by allowing clients with different types of devices to receive dynamically generated documents, thereby increasing the field of use of the system.